

ENTERED

March 17, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARCUS DELEON, §
§
Petitioner, §
VS. § CIVIL ACTION NO. 2:19-CV-289
§
LORIE DAVIS, §
§
Respondent. §

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

On January 27, 2020, United States Magistrate Judge Jason B. Libby issued his “Memorandum and Recommendation” (D.E. 15), recommending that the Court GRANT Respondent’s Motion to Dismiss (D.E. 9) as time-barred. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed. Instead, Petitioner filed a letter (D.E. 19) admitting that he was unable to generate any evidence to support his claims and suggesting that the Court not waste any additional judicial resources on this matter.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 15), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Respondent's motion to dismiss (D.E. 9) is **GRANTED** and this action is **DISMISSED** as time-barred. In the event that Petitioner requests a Certificate of Appealability, that request is **DENIED**.

ORDERED this 17th day of March, 2020.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE